

SENATE BILL No. 266

DIGEST OF INTRODUCED BILL

Citations Affected: IC 20-33-7.5; IC 35-52-20-10.

Synopsis: Electronic communications with students. Requires: (1) an employee of or a volunteer for a school corporation or nonpublic school who transmits an electronic communication to a student; and (2) a student who transmits an electronic communication to an employee of or a volunteer for a school corporation or nonpublic school; to simultaneously transmit the electronic communication to the student's parent, if the parent has provided information needed to receive the electronic communication, and to the principal of the school the student attends. Requires a principal who receives the electronic communication to preserve the electronic communication for at least two years. Requires a school corporation or nonpublic school to annually notify parents: (1) of the preservation of electronic communications; (2) that a parent may choose to receive a simultaneous transmission of electronic communications; and (3) of a parent's right to view preserved electronic communications transmitted or received by the parent's child. Sets forth circumstances under which a law enforcement officer may view preserved electronic communications. Requires the state board of education to adopt a policy to provide guidance to school corporations and nonpublic schools. Provides that an employee of or individual who volunteers for a school corporation or nonpublic school who does not comply with the provisions concerning electronic communications commits a Class A misdemeanor (which carries a potential maximum punishment of up to one year's imprisonment and a \$5,000 fine). Provides that a student who does not comply with the provisions concerning electronic communications is subject to discipline by the school the student attends.

Effective: July 1, 2015.

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January 7, 2015, read first time and referred to Committee on Corrections & Criminal Law.



First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 266

A BILL FOR AN ACT to amend the Indiana Code concerning education.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 20-33-7.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]:

4 **Chapter 7.5. Parental Access to Electronic Communications**

5 **Sec. 1. This chapter applies to school corporations and**
6 **nonpublic schools.**

7 **Sec. 2. As used in this chapter, "electronic communication"**
8 **means a message, image, or other information transmitted using a**
9 **computer network (as defined in IC 35-43-2-3(a)), a cellular or**
10 **other wireless communications device, or other form of electronic**
11 **communication device.**

12 **Sec. 3. (a) Whenever an employee of or an individual who**
13 **volunteers for a school corporation or a nonpublic school transmits**
14 **an electronic communication to a student, the employee or**
15 **volunteer shall simultaneously transmit the electronic**
16 **communication to:**



(1) the student's parent, if the parent has provided the information required under section 4(b)(2) of this chapter; and

(2) the principal of the school the student attends.

(b) Whenever a student transmits an electronic communication to an employee of or an individual who volunteers for a school corporation or a nonpublic school, the student shall simultaneously transmit the electronic communication to:

(1) the student's parent, if the parent has provided the information required under section 4(b)(2) of this chapter; and

(2) the principal of the school the student attends.

Sec. 4. (a) A principal who receives an electronic communication under this chapter shall preserve the electronic communication for at least two (2) years after receiving the electronic communication.

(b) Each school corporation and nonpublic school shall annually notify parents that:

(1) electronic communications transmitted between employees of and volunteers for the school corporation or nonpublic school and students are preserved;

(2) a parent may choose to receive simultaneous electronic communications received or transmitted by the parent's child by providing the principal with the appropriate electronic address or wireless telephone number; and

(3) a parent may view electronic communications received or transmitted by the parent's child.

Sec. 5. A law enforcement officer may view an electronic communication received or transmitted by a student that is preserved under section 4 of this chapter under one (1) of the following circumstances:

(1) The parent of a minor student who received or transmitted the electronic communication gives consent for the electronic communication to be viewed.

(2) If the student who received or transmitted the electronic communication is an adult, the student gives consent for the electronic communication to be viewed.

(3) The employee of or individual who volunteers for a school corporation or nonpublic school who transmitted or received the electronic communication gives consent for the electronic communication to be viewed.

(4) The law enforcement officer obtains a warrant to view the electronic communication from a court that has jurisdiction.



1 (5) If the existence of exigent circumstances necessitates a
2 warrantless search.

3 Sec. 6. The state board shall adopt a policy concerning the
4 simultaneous transmission of electronic communications, the
5 retention of electronic communications, and the viewing of stored
6 electronic communications to provide school corporations and
7 nonpublic schools guidance in carrying out this chapter.

8 Sec. 7. (a) An employee of or individual who volunteers for a
9 school corporation or nonpublic school who does not comply with
10 section 3(a) of this chapter commits a Class A misdemeanor.

11 (b) A student who does not comply with section 3(b) of this
12 chapter is subject to discipline by the school the student attends.

13 SECTION 2. IC 35-52-20-10 IS ADDED TO THE INDIANA
14 CODE AS A NEW SECTION TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2015]: Sec. 10. IC 20-33-7.5-7 defines a crime
16 concerning the transmission of electronic communications to
17 school students.

